

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Seppo Vesterinen, et al.
Title: CONFIGURING ADDRESSES
IN A COMMUNICATION
NETWORK
Appl. No.: 10/774,576
Filing Date: 2/10/2004
Examiner: Simon King
Art Unit: 2614
Confirmation Number: 8892

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR
PATENT APPLICATION UNDER 37 C.F.R. §1.705(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants have calculated PTA for the captioned patent application and have determined that the patent is entitled to 2298 days of Patent Term Adjustment, as shown on the attached sheet, which shows the relevant delays under 37 CFR §§1.702, 1.703 and 1.704:

(a) Total PTO delay: 2298 days

(b) Total Applicant delay: 0 days

Final PTA Determination under 37 CFR §1.703(f): 2298 days

In accordance with 1.705(b)(2)(ii), the relevant dates as specified in §§1.703(a) through (e) for which an adjustment is sought and the adjustment as specified in § 1.703(f) to which the patent is entitled are clearly represented in the attached PTA Calculation.

The relevant dates where the applicant is not in agreement with the PTO's determination are discussed in more detail below.

Applicant believes that part of this discrepancy occurred as a result of the PTO's failure to include 1225 days of additional PTA accumulated in applicant's favor based on the provisions of 37 C.F.R. §§ 1.702(b)(1) and 1.703(b)(1), wherein PTA begins to accumulate in applicant's favor on the day after the commencement of three years from the filing date.

The Section of the Notice of Allowance titled "Determination of Patent Term Adjustment under 35 U.S.C. §154(b)" makes the statement that:

"If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1073 days".

This statement is incorrect because it does not take into account accrued patent term adjustment under 37 C.F.R. §1.703(b) due to having an overall pendency of greater than three years, and the overall Patent Term Adjustment would be 2298 days, as shown in the attached calculation.

37 C.F.R. §1.705(d) states that "Any request for reconsideration under this section that raises issues that were raised, or could have been raised, in an application for patent term adjustment under paragraph (b) of this section shall be dismissed as untimely as to those issues." As the above-identified error was made at allowance, the applicant is filing this request for reconsideration under an abundance of caution, in the knowledge that the PTO does not include patent term adjustment resulting from 1.703(b) in its PTA calculations at allowance.

There were no circumstances during the prosecution of the application constituting a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in § 1.704

Fees in the amount of \$200.00 set forth in 37 C.F.R. § 1.18(e) to cover the fee for this request are being paid by credit card via EFS-Web.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. § 1.705, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

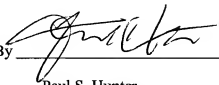
However, because this PTA error is due to a Patent Office error in interpreting and applying the PTA statute, a refund of the fee is respectfully requested.

Respectfully submitted,

Date April 8, 2011

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By



Paul S. Hunter
Attorney for Applicant
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Patent Term Adjustment Calculation System

Add a new event to this case

Docket Number:088245-0388

Application Number:10/774576

Patent Number:N/A

	Event Description	Event Date	Days from Filing	PTO Days	Applicant Days
Edit Delete	Application Filing Date	02/10/2004	0		
	14 month From Application date	04/10/2005	425		
CLOSE WINDOW	ALB. 14 MONTH PERIOD SELECT CASE	02/10/2007	1,096		
Edit Delete	Non-Final Office Action	03/18/2008	1,498	(1073)	
Edit Delete	Non-Final Office Action Resp. Rcv'd at PTO	05/20/2008	1,561		
Edit Delete	Final Office Action	09/03/2008	1,667		
Edit Delete	Final Office Action Response Received at PTO	11/03/2008	1,728		
Edit Delete	Non-Final Office Action	12/23/2008	1,778		
Edit Delete	Non-Final Office Action Resp. Rcv'd at PTO	03/16/2009	1,861		
Edit Delete	Final Office Action	05/07/2009	1,913		
Edit Delete	Final Office Action Response Received at PTO	07/07/2009	1,974		
Edit Delete	Non-Final Office Action	07/16/2009	1,983		
Edit Delete	Non-Final Office Action Resp. Rcv'd at PTO	10/07/2009	2,066		
Edit Delete	Non-Final Office Action	01/20/2010	2,171		
Edit Delete	Non-Final Office Action Resp. Rcv'd at PTO	04/19/2010	2,260		
Edit Delete	Non-Final Office Action	06/30/2010	2,332		
Edit Delete	Non-Final Office Action Resp. Rcv'd at PTO	09/24/2010	2,418		
Edit Delete	Notice of Allowance	01/12/2011	2,528		
	Projected Patent Grant Date	07/26/2011	2,723	(1627) 2298	
			Totals:	2,298	0
			PTA:	2,298	

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IP: 10.24.4.21

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